

**AN ORDINANCE**

**BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**

**AN ORDINANCE TO AMEND CHAPTER 106 ARTICLE VIII DIVISION 2 OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA SO AS TO PROVIDE FOR AN INMATE-BASED PROGRAM FOR GRAFFITI REMOVAL; TO PROVIDE THAT PROPERTY OWNERS CANNOT BE ASSESSED THE COSTS OF GRAFFITI REMOVAL; TO PROVIDE THAT A PROPOERTY OWNER CANNOT BE ASSESSED A FINE FOR FAILURE TO REMOVE GRAFFITI; AND FOR OTHER PURPOSES.**

**Whereas**, the City of Atlanta and its neighborhoods are plagued by graffiti; and

**Whereas**, graffiti is a public nuisance and is destructive of the rights and values of property owners as well as the City of Atlanta's neighborhoods; and

**Whereas**, the City of Atlanta recognizes that property owners may be innocent victims of criminal trespass in which unlawful placement of graffiti is placed upon private property by a person who is not the owner of such property; and

**Whereas**, Section VIII of the City of Atlanta's Code of Ordinances currently requires property owners to incur the costs of removing graffiti from their property and allows businesses and individuals to be subject to fines for failure of removing graffiti from their property within 30 business days after written notice is issued; and

**Whereas**, the laws of the State of Georgia do not permit any political subdivision to charge any fee to any property owner or operator for the removal of graffiti from such property.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS AS FOLLOWS:**

**Section 1.**

That Chapter 106, Article VIII, Division 2, Section 106-802 (b) be amended to delete the current language in its entirety and to insert in lieu thereof the following language:

In order to provide a form of compensation by the state to innocent victims of unlawful acts in violation of section (a), the City of Atlanta authorizes the use of labor by inmates from the Atlanta City Detention Center to remove or obliterate such unlawfully placed graffiti when such graffiti is visible from any public road or other public property. The rules and regulations governing such use of labor by inmates shall be directed by the City of Atlanta's Department of Corrections and subject to the rules and regulations of the Board of Corrections of Georgia.

**Section 2.**

That Chapter 106, Article VIII, Division 2, Section 106-802 (c) be added to read as follows:

No property owner or operator shall be subject to a fine or punishment for the presence of graffiti on such property or for the removal of graffiti from such property.

**Section 3.**

That Chapter 106, Article VIII, Division 2, Section 106-803 be deleted in its entirety.

**Section 4.**

That Chapter 106, Article VIII, Division 2, Section 106-804 be deleted in its entirety.

**Section 5.**

That Chapter 106, Article VIII, Division 2, Section 106-805 be deleted in its entirety.

**Section 6.**

That Chapter 106, Article VIII, Division 2, Section 106-807 be deleted in its entirety.

RCS# 6715  
6/06/05  
2:56 PM

Atlanta City Council

Regular Session

CONSENT II

CONSENT II PG(S) 19-26

REFER

YEAS: 14  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	B Sheperd	NV Borders

CONSENT II